



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2402261
Applicant Name : Herbert Schnaidt
Address of Proposal: 14000 Northwood Place Northwest

SUMMARY OF PROPOSED ACTION

Master Use Permit for the removal of two trees and the topping of 23 trees in an environmentally critical area. Vegetation has already been removed without a permit.

The following approval is required:

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code.)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site Location: The site is a residential property located along the east side of Northwood Place Northwest.

Zoning: Single Family 9600 (SF 9600)

Parcel Size(s): The parcel size for this property is 48,787 square feet (sq. ft.).

Existing Use: This property is currently developed with a single family residence.

Zoning in the Vicinity: The zoning in the vicinity is SF 9600.

Use in the Vicinity: The development in the vicinity consists of single family residences.

Proposal

This proposal for removal of 2 trees and the topping of 23 trees in an environmentally critical area is presented by the property owners after the activity has already occurred. Per the owners, the tree removal and tree topping was done for view improvement for the neighboring properties as mandated by private view protection covenants (Northwood Restrictive Covenant) that is not recognized by the City of Seattle Land Use Code. Two trees, a Red Oak and a Red Alder were removed. Approximately 2 Holly trees, 1 maple tree, 1 Laurel tree and 19 Douglas fir trees have been topped. This activity occurred primarily in the northeasterly area of the subject property.

Public Comments

The required public comment period ended on July 7, 2004. DPD received no written comments regarding this proposal.

Additional Information

DPD has issued a Notice of Violation (File Number #1001725) for the activity detrimental to trees in an environmentally critical area without a tree vegetation and removal permit.

ANALYSIS - SEPA

The proposal site located in an environmentally critical area-steep slope thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Pursuant to SMC 25.09.320.E, the ECA ordinance states, "*The Director shall consider the following circumstances and conditions in rendering a decision on a vegetation and tree removal permit: 1) The applicant shall justify the need for tree and/or vegetation removal; 2) The applicant shall demonstrate that any tree and/or vegetation removal shall not adversely affect stability, erosion potential, existing drainage conditions, and/or fish and wildlife habitat areas on-site, on adjacent sites, or within the drainage basin; 3) The applicant shall demonstrate that the activity shall not be a precursor of a later development proposal, unless a plan is approved by the Director for public safety reasons and/or except to conduct soil testing subject to DPD's Director's Rule for Investigative Field Work in Environmentally Critical Areas; and 4) The Director may require a vegetation and tree removal and replacement plan and may otherwise*

condition the permit to protect the public health and safety and prevent harm to the affected environmentally critical area.”

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 28, 2004. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file, specifically the Tree Professional report. Technical assistance was provided by an SDOT City Forester. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant provided recommendations made by the applicant’s Arborist are followed.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under certain limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary impacts on the identified critical areas are expected: vegetation removal (including removal of six mature trees); increased soil erosion and sedimentation during tree removal and following until vegetation is adequately established on site; increased runoff; and noise associated with diesel or gas combustion equipment. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code require that soil erosion control techniques be initiated for the duration of the tree and vegetation removal. The ECA ordinance regulates activity within designated ECA areas. The Noise Ordinance regulates noise impacts due to equipment operations. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Earth

The ECA Ordinance requires submission of technical reports to detail soils, geological, hydrological, drainage, plant ecology and botany, vegetation and other pertinent site information. Pursuant to this requirement the applicant submitted the following technical reports:

A report prepared by Jeffrey Warner, owner of Urban Tree Service, dated May 17, 2004. The report includes an inventory of the existing trees that were removed from the site and provides explanation of the crown reduction methods used to top the existing trees.

This report and associated plans have been reviewed by DPD's geotechnical experts and an SDOT City Forester, who have concluded that a replanting plan that includes removal of the damaged topped trees and the planting of healthy native trees and shrubs in such a manner to preserve views is required prior to final approval. The applicant has not provided an adequate replanting plan. Thus additional mitigation is warranted pursuant to SMC 25.09.320.E. Therefore the proposal will be conditioned for the owner to provide a restoration and monitoring plan signed by a certified Arborist. The tree and vegetation removal plans, including erosion control techniques, restoration plans and monitoring plans will be reviewed by DPD. Applicable codes and ordinances provide extensive conditioning authority and prescriptive methodology for tree and vegetation removal. Therefore, no additional conditioning beyond the previously mentioned condition is warranted pursuant to SEPA policies.

Long-term Impacts

A possible long-term impact anticipated as a result of this proposal would be adverse impacts with regards to slope stability or soil erosion control if the tree restoration plan is not continually monitored per the arborist requirements.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code. Unfortunately, these codes don't provide specify the manner in which the restoration plan should be monitored and how frequent this planting monitoring should occur. Therefore, a condition has been added to address this requirement.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

Prior to MUP Issuance

1. Applicant must provide a tree restoration and monitoring plan/report stamped by a certified Arborist. This plan must be approved by the SDOT City Forester.
2. The arborist conducting the work must attend an on-site pre-construction conference with DPD's Site Inspector and the SDOT City Forester to discuss erosion control measures and monitoring methodology.

Prior to Final Approval of the Tree and Vegetation Permit (non-appealable ECA Conditions)

1. The arborist conducting the work must schedule an inspection with the DPD biologist (Rob Knable) after the planting has been completed.
2. A monitoring report shall be produced annually for a minimum of 5 years unless the Director of DPD determines the planting plan is a success, then monitoring may be discontinued after 3 years. The report shall be prepared by a qualified firm and will include photos of the restoration area and percent cover, survival rates of plant stock and any contingency plans if necessary. This report should be provided to DPD Site Team after the growing season but no later than October 31st of each year.

Signature: _____ (signature on file) Date: March 3, 2005
Tamara Garrett, Land Use Planner

TG:bg

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